

MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 7, 2014

Sandra J. Burgess, Town Clerk
Town of Amherst
4 Boltwood Avenue
Amherst, MA 01002

Re: Amherst Annual Town Meeting of April 28, 2014 ----- Case # 7289
Warrant Articles # 25 and 28 (Zoning)
Warrant Article # 34 (General)

Dear Ms. Burgess:

Articles 25, 28, and 34 - We approve these Articles, and the map related to Article 25, from the April 28, 2014, Amherst Annual Town Meeting. We will return the approved map to you by regular mail.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MARTHA COAKLEY
ATTORNEY GENERAL

Kelli E. Gunagan

Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

cc: Town Counsel Joel B. Bard

2014 AUG 11 AM 11:09
AMHERST TOWN CLERK

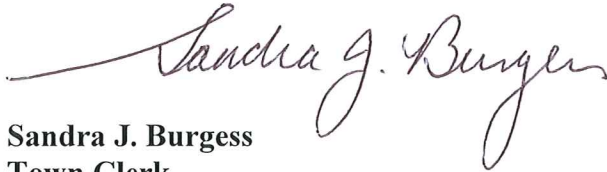
ARTICLE 25
Form 2 – Submission 2
TOWN MEETING ACTION

ARTICLE 25. Zoning - Atkins Corner Rezoning (Planning Board)

VOTED by a declared two-thirds to amend the Official Zoning Map by changing the zoning designation from Limited Business (B-L) to Village Center (B-VC) for parcels 25B-51, 25B-52, 25B-58, 25B-R1, 25B-R2 and portions of adjacent public ways in Atkins Corner village center, as shown on Figure 1.

Action taken 5/12/2014.

A true copy, Attest:

A handwritten signature in cursive script, reading "Sandra J. Burgess". The signature is written in dark ink and is positioned above the printed name and title.

Sandra J. Burgess
Town Clerk

APPROVED

Attorney General's Office

By: *Kelly S. Savage*

Date: *08/07/14*

Art. *25* Town Meeting Date *04/28/14*

TOWN OF AMHERST, MA
ZONING MAP

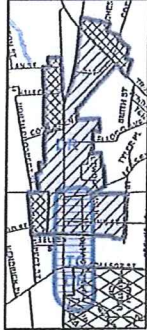


Legend

Zoning Districts

- General Residence (R-G)
 - Village Center Residence (R-VC)
 - Neighborhood Residence (R-N)
 - Outlying Residence (R-O)
 - Low Density Residence (R-LD)
 - Franchise Residence (R-F)
 - General Business (B-G)
 - Limited Business (B-L)
 - Village Center Business (B-VC)
 - Neighborhood Business (B-N)
 - Community (COM)
 - Office Park (OP)
 - Professional Research Park (PRP)
 - Light Industrial (LI)
 - Educational (ED)
 - Hazardous Waste (HW)
 - Flood Protection (FFC)
- Overlay Districts
- Aquifer Protection (AP)
 - Wetland Protection (WP)
 - Farmland Conservation (FC)
 - Planned Unit Development (PUD)
 - Design Review District (DR)
 - Town Common Design Review (TC DR)
 - Municipal Parking District (MPD)
 - Retreat and Development (R&D)
- Flood Subdivisions
- No Subdiv.
 - 25 Foot Stream Subdiv.
 - 50 Foot Stream Subdiv.
 - 75 Foot Stream Subdiv.

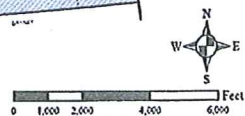
Design Review
& Town Common
Design Review District



Municipal Parking
District



Produced by: Amherst Planning Department
Unofficial Copy
For Informational Purposes Only
Most recently amended June 2013.
Zoning Bylaws are available at: www.amherstma.gov
Online maps are available at: www.amherstma.gov/maps



A TRUE COPY, ATTEST:

Sandra J. Burgess
SANDRA J. BURGESS
TOWN CLERK

APPROVED

Attorney General's Office

By: *Kelley E. Burge*

Date: *08/07/14*

Art. *25* Town Meeting Date *04/28/14*

TOWN OF AMHERST, MA
ZONING MAP



Legend

Zoning Districts

- General Residence (R-G)
- Village Center Residence (R-V)
- Neighborhood Residence (R-N)
- Outlying Residence (R-O)
- Low Density Residence (R-LD)
- Farmstead Residence (R-F)
- General Business (B-G)
- Limited Business (B-L)
- Village Center Business (B-V)
- Neighborhood Business (B-N)
- Commercial (C-O)
- Office Park (OP)
- Professional Research Park (PRP)
- Light Industrial (LI)
- Educational (ED)
- Flood Protection (FP)

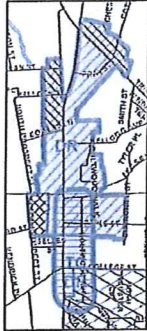
Overlay Districts

- Aquifer Recharge Protection (ARP)
- Watershed Protection (WP)
- Flood Hazard (FH)
- Historic Landmark (HL)
- Design Review District (DR)
- Town Common Design Review (TC DR)
- Municipal Parking District (MPD)
- Research and Development (R&D)

FCC Subdivisions

- No Subdiv.
- 25 Foot Stream Subdiv.
- 50 Foot Stream Subdiv.
- 75 Foot Stream Subdiv.

Design Review
& Town Common
Design Review District



Municipal Parking
District



Produced by: Amherst Planning Department

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Most recently amended June 2014.

Zoning Bylaws are available at www.amherstma.gov
Online maps are available at www.amherstma.gov/maps



0 1,000 2,000 4,000 6,000 Feet

A TRUE COPY, ATTEST:

Sandra J. Burge
SANDRA J. BURGESS
TOWN CLERK

APPROVED

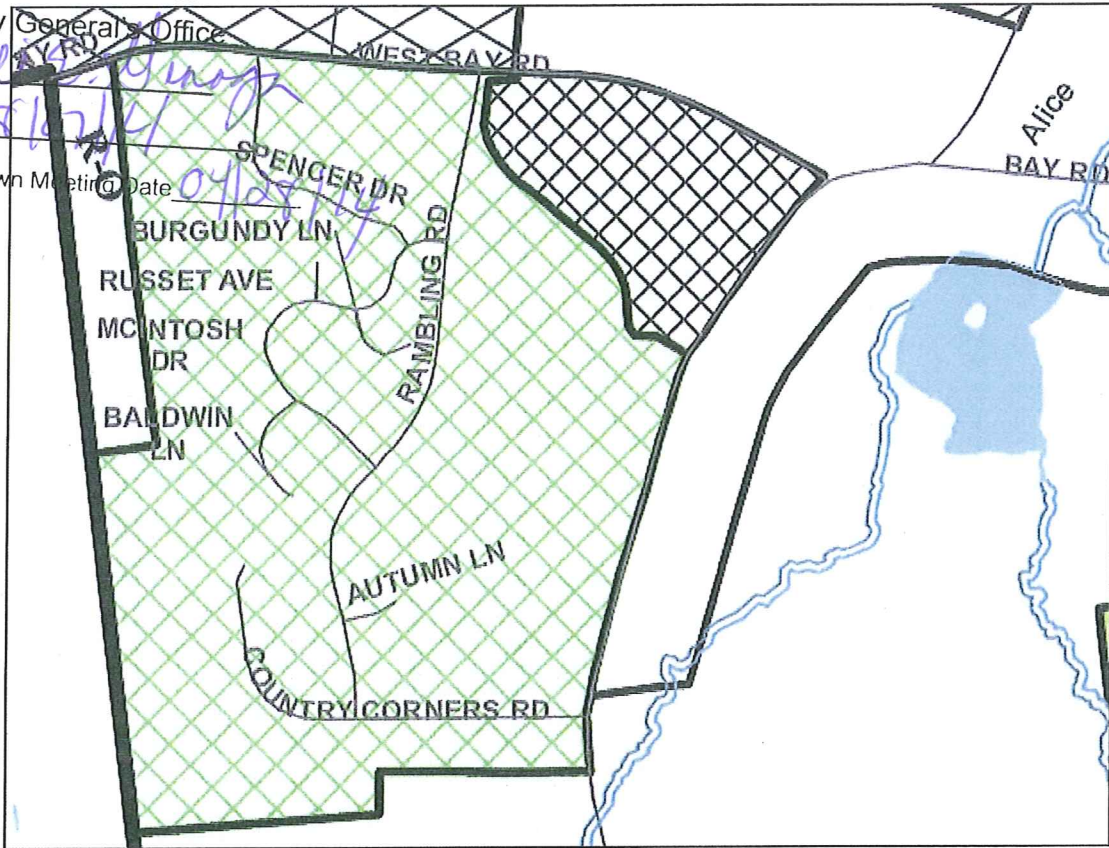
ZONING MAP – JUNE 2013

Attorney General's Office

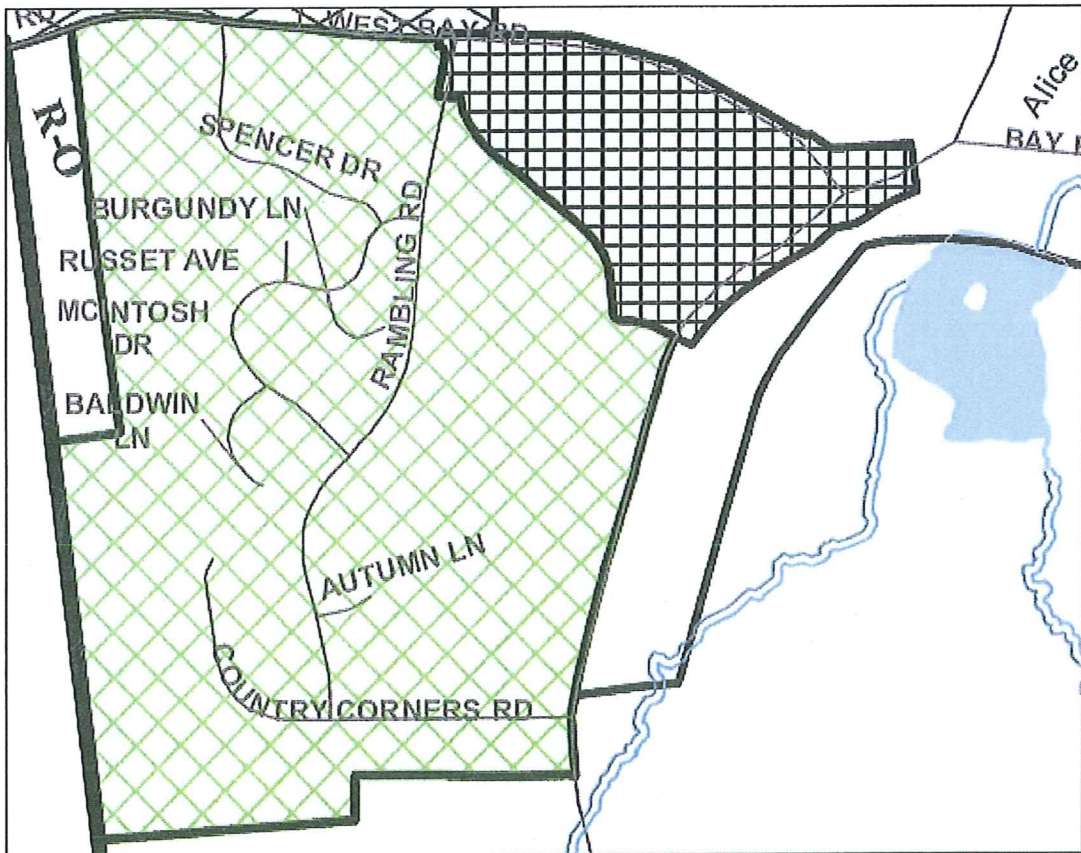
By: *K. L. [Signature]*

Date: *08/28/13*

Art. *25* Town Meeting Date *09/28/13*



ZONING MAP – JUNE 2014



A TRUE COPY, ATTEST:

Sandra J. Burgess
SANDRA J. BURGESS
TOWN CLERK

APPROVED

Attorney General's Office

By:

Kellie E. Gungor

Date:

08/07/14

Art. 25

Town Meeting Date

04/28/14

TOWN OF AMHERST, MA
ZONING MAP



Legend

Zoning Districts

- General Residence (R-G)
- Village Center Residence (R-VC)
- Neighborhood Residence (R-N)
- Outlying Residence (R-O)
- Low Density Residence (R-LD)
- Family Residence (R-F)
- General Business (B-G)
- Limited Business (B-L)
- Village Center Business (B-VC)
- Neighborhood Business (B-N)
- Commercial (COM)
- Office Park (OP)
- Professional Research Park (PRP)
- Light Industrial (LI)
- Educational (ED)
- Flood Plain Contingency (FFC)

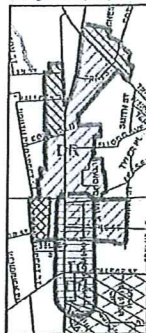
Overlay Districts

- Aquifer Recharge Protection (ARP)
- Wetland Protection (WP)
- Farmstead Preservation (FP)
- Planned Unit Res. Development (PUD)
- Design Review District (DR)
- Town Common Design Review (TC DR)
- Municipal Parking District (MPD)
- Research and Development (R&D)

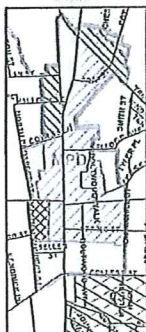
FFC Subdivisions

- No Subdiv.
- 25 Foot Stream Subdiv.
- 50 Foot Stream Subdiv.
- 75 Foot Stream Subdiv.

Design Review
& Town Common
Design Review District



Municipal Parking
District



Produced by: Amherst Planning Department

Unofficial Copy

For Informational Purposes Only

Most recently amended June 2014.

Zoning Bylaws are available at: www.amherst.ma.gov

Official maps are available at: www.amherst.ma.gov/maps



0 1,000 2,000 4,000 6,000 Feet

ARTICLE 28A
Form 2 – Submission 2
TOWN MEETING ACTION

ARTICLE 28. Zoning– Supplemental Dwelling Units (Planning Board)

VOTED - Yes 102, No 48 to amend Sections 5.011 and 3.3241 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 5.011 as follows:

5.011 Supplemental Apartment *Dwelling Units*

Supplemental dwelling units as defined under this section are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units. As accessory uses, supplemental dwelling units are exempt from the additional lot area/family requirements of Table 3. Only one (1) supplemental dwelling unit shall be permitted as accessory to a one family detached dwelling.

5.0110 Supplemental Apartment

A supplemental apartment is a small accessory dwelling unit incorporated as part of and subordinate to ***an existing single one*** family detached dwelling. ~~As an accessory use, a supplemental apartment is exempt from the additional lot area/family requirements of Table 3. Supplemental apartments are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units.~~

~~The Board of Appeals may authorize under a Special Permit in the Outlying Residence, Low Density Residence, Neighborhood Residence, Village Center Residence and General Residence Districts, one supplemental apartment accessory to the use of a single family dwelling, provided that:~~

1. ***Supplemental Apartment I - A supplemental apartment which is located entirely within an existing one family detached dwelling and requires no significant external changes to the dwelling or site beyond entrances and windows required by the building code. A Supplemental Apartment I shall be permitted in all residential zoning districts except the R-F District following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw, including but not limited to the following:***
 - a. ***One of the dwelling units shall be occupied by the owner(s) of the principal one family detached dwelling as their principal residence. Neither unit may be used for accessory lodging under the provisions of Section 5.01.***
 - b. ***The supplemental apartment shall not be occupied by more than three (3) adult residents.***
 - c. ***The supplemental apartment and property shall be operated in accordance with a Management Plan submitted to and approved by the Building Commissioner. Upon any change in ownership, a new Management Plan shall be filed in a timely manner with the Building Commissioner for review and approval.***

- d. *Any dwelling unit on the property being rented shall be registered and permitted in accordance with the Residential Rental Property Bylaw.*
- e. *Parking shall be provided and designed in accordance with Article 7 of this Bylaw.*
- f. *All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties.*
- g. *On-site storage and management of waste and recycling shall occur on the interior of the dwelling or within an attached garage or other accessory outbuilding. There shall be no freestanding dumpster or storage unit associated with a property regulated under this section, except on a temporary basis in association with construction or similar temporary purposes.*
- h. *A reflective street address sign for each unit shall be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.*

Any Supplemental Apartment I which in the judgment of the Building Commissioner does not meet these requirements shall require a Special Permit from the Zoning Board of Appeals.

- 2. *Supplemental Apartment II - A supplemental apartment which involves significant changes to the existing one family detached dwelling, including but not limited to external fire escape structures, exterior additions not exceeding ten percent (10%) of the footprint of the habitable portions of the existing building, and other similar changes which result in a significant alteration to the appearance and function of the building or site. A Supplemental Apartment II shall require a Special Permit granted by the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.*

5.0111 *Supplemental Detached Dwelling Unit*

A supplemental detached dwelling unit shall be a small freestanding accessory one family detached dwelling permitted to co-occur on a residential property as supplemental and incidental to a one family detached dwelling. A supplemental detached dwelling unit may be the result of new construction or rehabilitation of an existing structure resulting in a unit meeting the general requirements of this section.

Supplemental detached dwelling units shall require a Special Permit from the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.

5.0112 *General Requirements. The following standards shall apply to supplemental dwelling units (supplemental apartments and supplemental detached dwelling units):*

- 1. *There shall not be not less than 350 square feet nor more than 800 square feet of ~~gross floor area~~ habitable space in any supplemental apartment dwelling unit, except that any such apartment dwelling unit built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in ~~gross floor area~~ habitable space.*

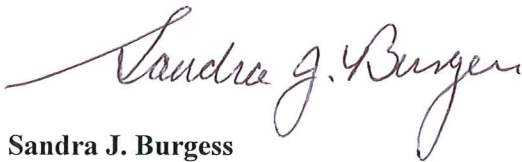
2. ~~Any single~~ *No one* family *detached* dwelling in which a supplemental apartment is constructed *or upon the property of which a supplemental dwelling unit is built* shall ~~not~~ *may* be used simultaneously for accessory lodging under any provision of Section 5.010, *nor shall any supplemental dwelling unit built upon the property of such a one family dwelling be so used.*
3. One of the dwelling units *on the property* shall be occupied by the owner(s) of the principal ~~single~~ *one* family residence, which requirement shall be made a condition of any Special Permit issued under this section.
4. Notwithstanding the provisions of ~~Section 12.14~~ Article 12, a supplemental ~~apartment~~ *dwelling unit* shall be occupied by a total of no more than three (3) ~~people~~ *adult residents*.
5. *The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority. Amend Section 3.3241, 9., of Converted Dwellings, as follows:*

B.

9. No detached structure shall be converted under the provisions of Section 3.3241 unless it abides by the provisions of Condition 5. above and upon completion provides at least 350 square feet of habitable space. *Conversion of a detached structure alone may qualify as a supplemental detached dwelling unit if it meets the requirements established under Section 5.011.*

Action taken 5/14/2014.

A true copy, Attest:



Sandra J. Burgess
Town Clerk

ARTICLE 34
Form 2 – Submission 2
TOWN MEETING ACTION

**ARTICLE 34. General Bylaw – Establishment of Municipal Affordable Housing Trust
(Housing and Sheltering Committee)**

VOTED to accept M.G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust Fund to be known as the Amherst Affordable Housing Trust Fund (“the Trust”), whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and further to amend the General Bylaws of the Town by inserting a new Bylaw in Article IV to be entitled “Amherst Affordable Housing Trust Fund,” as follows:

AMHERST AFFORDABLE HOUSING TRUST FUND

1. There shall be a Board of Trustees of the Amherst Affordable Housing Trust Fund, composed of seven members, of whom one shall be a member of the Select Board, one shall be a member of the Housing & Sheltering Committee, and five shall be qualified residents who would bring to the Trust relevant personal and/or professional experience and knowledge in real estate, finance, affordable housing, banking, architecture, social services, or the like. The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year, so as to allow staggered terms. Said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing. Nothing in this section shall prevent the Select Board from appointing the Town Manager as an ex-officio eighth member, without the power to vote.
2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Amherst Affordable Housing Trust Fund, to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.
3. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c. 44, § 55C, shall include the following:
 - a. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from M.G.L. c. 44B;
 - b. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
 - c. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

d. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

e. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary, notwithstanding administrative and technical support provided through finance, treasurer/collector and accounting departments, and that which may be provided by Town staff in various departments, including but not limited to planning, inspection services and conservation;

f. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

g. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

h. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

i. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;

j. to carry property for accounting purposes other than acquisition date values;

k. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;

l. to make distributions or divisions of principal in kind;

m. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;

n. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;

o. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

p. to extend the time for payment of any obligation to the trust.

q. to take any other action relative thereto.

4. These powers shall be subject to the following limitations:

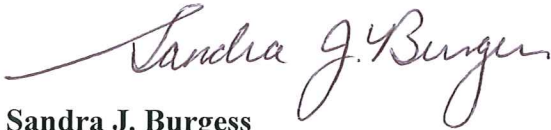
- a. any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by five of the seven voting members.
- b. the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.
- c. any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Amherst and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Amherst with an acknowledgement of said statement by the holder.

5. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

Action taken 5/19/2014.

[A motion was made by James Oldham to refer back to the Housing and Sheltering Committee. Motion to refer was defeated.]

A true copy, Attest:

A handwritten signature in dark ink, appearing to read "Sandra J. Burgess". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Sandra J. Burgess
Town Clerk